

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Richmond Division

DUSTIN DYER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:19-cv-921-JAG
	)	
SHIRRELLIA SMITH, <i>et al.</i> ,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

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**MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO PARTICIPATE AS  
AMICI CURIAE IN SUPPORT OF NEITHER PARTY WITH RESPECT TO  
DEFENDANTS' MOTION TO DISMISS**

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Professor Katherine Mims Crocker of William & Mary Law School and Professor Brandon Hasbrouck of Washington & Lee School of Law state as follows in support of their motion for leave to participate as amici curiae in this action in support of neither party with respect to Defendants' Motion to Dismiss.

Neither the Federal Rules of Civil Procedure nor the Local Rules of this Court specifically address the participation of amici curiae. Thus Professors Crocker and Hasbrouck have filed this memorandum consistent with the requirements of Rule 29 of the Federal Rules of Appellate Procedure and Local Rule 29(a) and (b) of the U.S. Court of Appeals for the Fourth Circuit. *See Jin v. Ministry of State Sec.*, 557 F. Supp. 2d 131, 136 (D.D.C. 2008) ("District courts have inherent authority to appoint or deny *amici* which is derived from Rule 29 of the Federal Rules of Appellate Procedure.").

## **I. INTEREST OF MOVANTS**

Professors Crocker and Hasbrouck are scholars in the area of civil rights with an interest in the development of the *Bivens* doctrine. Professor Crocker's scholarship focuses on federal courts and structural constitutional law. She has published several scholarly articles, including on the topic of qualified immunity. Professor Hasbrouck's scholarship focuses on constitutional law, federal courts, and other topics. He has published scholarly articles on the topic of civil rights.

## **II. AN AMICUS BRIEF IS DESIRABLE AND THE MATTERS THAT WILL BE ASSERTED ARE RELEVANT TO THE DISPOSITION OF THE CASE**

Professors Crocker and Hasbrouck have extensive experience in the areas of constitutional law and civil rights. Their research and academic background give them a unique perspective on these issues. They intend to file a brief in support of neither party. Professors Crocker and Hasbrouck will express solely their own views and not the views of their institutions.

## **III. CONCLUSION**

WHEREFORE, Professors Crocker and Hasbrouck respectfully request that their motion be granted. Professors Crocker and Hasbrouck request leave to file an amicus brief on or before December 11, 2020.

Dated: October 16, 2020

Respectfully submitted,

/s/ Brian D. Schmalzbach

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. A copy has also been served via first class, postage prepaid, U.S. Mail to the following:

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